

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CAROLINE CASTELLAW, CHERYL
CARNES, KATHRYN ROSE, AMANDA
WILSON, HELEN SPOSATO, KACY
MCDONOUGH, SHERRY TAITZ, MARLA
HUBER, JOY MARIE CZAPSKI, DANIEL
QUICK, CHARITY RICHERT, DIANE
RUBENS, KAREN BLANKEN, WANDA
PENNINO, JILLIAN PHELAN, DEBORAH
MCCARVER, DEBRA ALEXANDER,
DONALD WELLS, CELESTE HOBAN,
SIMON RAWSON, ILEANA MARIN,
ROBIN WRIGHT, ZAVIDA BAL, BRENDA
BERTUCCI, LEANN TOGAREPI,
REBECCA BERNER, CHRISTINA FRYE,
MARCIA BROWN, AARON CHILDRESS,
JENNY ST. AUBIN, RHONDA CAIN,
HEIKE BAKER, STACEY DORR, CARMEN
RICHARD-GOULD, LORI SCHIMSCHOCK,
JEFFERY C. SIMPSON, and 39 additional
Plaintiffs, on behalf of themselves and
similarly-situated others,

-against-

REGENTS COLLEGE
d/b/a EXCELSIOR COLLEGE,
Defendant.

FELICIA RICHARDSON,
Plaintiff,

-against-

EXCELSIOR COLLEGE,
Defendant.

**MEMORANDUM &
ORDER**

14-CV-1048

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 09 2015 ★

BROOKLYN OFFICE

14-CV-4989

CRISTINA UPEGUI,

Plaintiff,

14-CV-5041

-against-

EXCELSIOR COLLEGE,

Defendant.

LADONNA HEDGEPATH,

Plaintiff,

14-CV-5038

-against-

EXCELSIOR COLLEGE,

Defendant.

ANDREA PARKER,

Plaintiff,

14-CV-5040

-against-

EXCELSIOR COLLEGE,

Defendant.

TIMOTHY FINCH,

Plaintiff,

14-CV-5103

-against-

EXCELSIOR COLLEGE,

Defendant.

ROXANNE RAMIREZ,

Plaintiff,

14-CV-5176

-against-

EXCELSIOR COLLEGE,

Defendant.

PATRICIA BODELL,

Plaintiff,

14-CV-5355

-against-

EXCELSIOR COLLEGE,

Defendant.

FALLON SHELTON,

Plaintiff,

14-CV-5357

-against-

EXCELSIOR COLLEGE,

Defendant.

SALLY MACHETTA,

Plaintiff,

14-CV-5520

-against-

EXCELSIOR COLLEGE,

Defendant.

JULIE DOWBURD,

Plaintiff,

14-CV-6180

-against-

EXCELSIOR COLLEGE,

Defendant.

RITA PARHAM,

Plaintiff,

14-CV-6187

-against-

EXCELSIOR COLLEGE,

Defendant.

BRIANNE KIRKER,

Plaintiff,

14-CV-5519

-against-

EXCELSIOR COLLEGE,

Defendant.

PAUL DICKERSON,

Plaintiff,

14-CV-6187

-against-

EXCELSIOR COLLEGE,

Defendant.

KEENA STEPHENS,

Plaintiff,

14-CV-7355

-against-

EXCELSIOR COLLEGE,

Defendant.

REBECCA FRASER,

Plaintiff,

14-CV-6582

-against-

EXCELSIOR COLLEGE,

Defendant.

JACK B. WEINSTEIN, Senior United States District Judge:

By January 21, 2015, the parties shall forthwith provide to the court:

1. The dates that Charlotte Davis and Nathan Myer were provided access to their CPNE results and the mode by which they accessed the results;
2. The dates that Charlotte Davis and Nathan Myer took the RN licensing examination or any other nursing licensing examination;

3. The dates that Charlotte Davis and Nathan Myer were provided access to the results of said examination(s); and
4. The dates that Charlotte Davis and Nathan Myer were officially licensed as registered nurses.

The court will then issue a short opinion on the motion to dismiss Davis and Myer's claims as time barred. A single plaintiff will likely proceed to trial on February 23, 2015.

The court was given to understand that plaintiffs Davis, Myer and Phelan do not bring claims based on "test costs", given that they passed the CPNE examination on the first attempt. *See H'rg Tr.*, Jan. 6, 2015. The spreadsheet, docketed as ECF No. 129-1, shall be corrected to reflect this fact. The trial will only proceed with respect to the "failure to educate" claim.

SO ORDERED.

/s/ Jack B. Weinstein
Jack B. Weinstein
Senior United States District Judge

Date: January 9, 2015
Brooklyn, New York